

Hawaii Department of Agriculture - Pesticides Branch
3rd Quarter Report; EPA Region 9
April - June 2016

ADMINISTRATIVE:

Attended Out of State Travel by Staff:

- April 7, 2016; Cooperative Agreement negotiations with EPA Region 9, San Francisco, CA. Attended by Tom Matsuda and Christina Bauske.
- May 2 – 5, 2016; PREP Compliance & Enforcement Course, Asheville, N.C. Attended by Victoria Matsumura
- May 17 – 19, 2016; Western Regional Program Meeting, Phoenix, AZ. Attended by Tom Matsuda.

PROGRAM HIGHLIGHTS:

Personnel:

Three (3) new inspector positions were granted by the Legislature during the 2014 session and the processing to hire is ongoing. These positions will be on Maui, Oahu, and Hawaii Island.

- EHS III, Oahu enforcement inspector Ms. Angela Gantuah who started work on March 28, 2016 abruptly resigned in mid - April 2016. There are currently 3 vacant enforcement positions on Oahu, with active recruitment ongoing.
- Ms. Mimi Horiuchi is an 89 day part-time hire and started work in May, to assist Victoria Matsumura (case developer) with responding to UIPA requests.
- Mr. Derrick Albert was hired as an EHS III for the Kauai enforcement position in June 2016. He is currently undergoing training to obtain his state and federal inspector credentials. There are now 2 inspectors on this island.
- Dr. Neil Reimer, Plant Industry Administrator, who is the supervisor over the Pesticides Branch Program Manager retired at the end of April 2016. In the interim, the Deputy Director at the HDOA, Ms. Phyllis Shimabukuro-Geiser also serves as the Acting Plant Industry Administrator.

Pesticides Semi-Annual Training

Our semi-annual training for the pesticides staff was held during May 12 – 13, 2016 in Honolulu. The event covered strategic planning for the enforcement staff and also the case development program to deal with the backlog of cases. The issuance of an enforcement “advisory notice” was discussed and will be added to other enforcement actions we currently initiate. (A special thanks to the Nevada SLA for sharing this practice with us.) Progress on the EPA work plan objectives by different sections was reviewed.

Legislative Update: [No bills passed]

There were a number of bills introduced this legislative session that pertained to:

- Neonics: (HBs 1594, 1687 and SB 2268); Prohibit application of neonic insecticides without a permit after 06/30/2017 to protect honey bees and other pollinating animals.
- Buffers: (HB 1514 and 2564 and SBs 2742 and 2475); Establishes a pilot program that creates a vegetative buffer zone around 5 selected schools near a commercial Ag production area. Or establishes pesticide buffer zones for sensitive areas and establishes penalties for violations.

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- Reporting: (HB2574 and SB 3006); requires reporting guidelines for large-scale, outdoor commercial agricultural operations across the state. Establishes disclosure and public notification requirements for outdoor application of pesticides in various environmentally sensitive areas.
- Environmental monitoring: ((HB2435); makes an appropriation to the department of health and department of agriculture for a water quality study of the water resources, including, but not limited to, groundwater and surface water on and marine waters adjacent to the Waialua district on the island of Oahu.
- Staffing: (HB2258 and SB 2513); appropriates funds to support 3 additional inspector positions on the island of Oahu within the department of agriculture's pesticides branch.
- Honey bee colonies: (HB2574); requires pest control operators to contact an expert prior to terminating a honey bee colony to determine whether the colony can be safely removed and transported.
- Chlorpyrifos: (SB3043 and 3089); temporarily bans the use of pesticides containing the active ingredient chlorpyrifos. Prohibits the use of pesticides containing the active ingredient chlorpyrifos.
- License fee: (HB504 and SB 734); increases the pesticide licensing fee. Amends authorized uses for the Pesticide Revolving Fund. Requires MOU between the HDOA and UH CTAHR regarding the expenditure of funds from the Pesticide Use Revolving Fund. Establishes an environmental toxicologist position and pesticide extension specialist. Appropriates funds from the Pesticide Revolving Fund. Removes sunset date for Act 168, Session Laws of Hawaii 2010. (HB504 HD1).

State Inspector Credentials

EHS III Cal Westergard (Hawaii Island) has completed his Hawaii state Inspector training requirements and state inspector credentials will be issued. Once received, EHS III Westergard can independently conduct inspections and follow up to complaints.

Consulting Services.

Ongoing meetings continue between Datahouse Consulting, Inc., EHS' Christina Bauske, Lance Kobashigawa and others. Some success with the registration/licensing renewal process has taken place and work continues with the testing of the new IPIS database system utilizing enforcement inspection forms for conducting a MSI as well as testing forms relating to printing of certifications cards and verifying certified applicator's credits.

Development of Managed Pollinator Protection Plan (MP3)

The State Apiary program was able to send a Survey monkey to beekeepers and have received 64 responses thus far. We are still working on sending a survey to the Landscape Industry, farming community etc.

Registration/Licensing:

Being considered for changes to the Hawaii Administrative Rule (HAR) affecting registration/licenses are:

- License fee increases from \$330 per product for 3 year period to \$930 for 3 year period.
- Adding new actives to the state restricted list:
 - o Chlorantraniliprole
 - o Cyantraniliprole

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- Fludioxonil
- Amicarbazone
- License fee for nonchemical pest control devices - \$330 for 3 year period
- Include “surface water” in HAR to allow for considerations for adverse effects to surface water as justification for state restriction of a pesticide or pesticide use.

These considerations must be presented to and approved by the Board of Agriculture with public hearing to be conducted island wide prior to inclusion in the HAR.

Also under consideration – allow for external list of state RUP active ingredients and provide detailed protocol that must be followed in order to make any changes to that list. This will streamline process in licensing of new products that are of important use to farms while maintaining the Department’s ability to track the use.

Licensing:

A total of 198 licenses were processed for this quarter, with fees collected totaling \$45,320. There were 197 new product licenses processed and 1 License renewal. (194 for general use and 4 for restricted use.)

Special Local Need registrations:

None issued this quarter.

Pending Issuance; SLN HI-160002 Escort XP for control of wild ginger in forests and other natural areas (Transfer from HI 060004 due to transfer of product from DuPont to Bayer.

Emergency Exemption: None issued or active this quarter.

State Experimental Use Permits: None issued this quarter.

Groundwater Reviews/New Actives status: None this quarter.

Endangered Species Review Requests (Section 7): None requested.

Chemical Analysis Laboratory (CAL):

A total no. of 457 tests were run for 57 samples pertaining to 13 enforcement cases were finished by both GC/MS and LC/MS equipment. It is anticipated that by early September 2016, the CAL will have caught up with its running of backlog samples from 2016. In 2016, approximately 51 samples were in the que with about 23 left to be run.

The California Department of Food and Agriculture - Food Safety Section, Center for Analytical Chemistry (CAC), was contacted to set up as a backup lab if the HDOA CAL lab equipment is down for a lengthy period. A draft MOU contract is being prepared by CAC and will be reviewed by CAL.

During the May semi-annual workshop, an alcohol pad SOP was discussed an approved to replace the current swab SOP.

Education/Certification:

Applicator Certification and Training Work plan:

- A total of 15 statewide certification examination sessions were held.
- One hundred eighty-three (183) examinees were tested in Private applicator or Commercial applicator categories. Out of these examinees, 34 individuals became newly certified applicators and another 20 individuals were re-certified in their appropriate work profession categories.

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- 3 certified applicators collectively earned 14 recertification credits by taking quizzes.
- CET training classes were held and attended by approximately 702 certified applicators. These attendees collectively earned 875 recertification credits.

Worker Protection Safety Trainings:

- Hawaiian Turf grass (7)

Other trainings/technical assistance provided by Pesticide Education staff included topics on:

- Proper pesticide use, label review, safety, PPE, storage, recordkeeping, heat stress, calculating use rates, drift, spills; pollinator protection, rules and regs.
 - HDOT Molokai (6)
 - HDOT Maui (10)
 - HDOT Lanai (5)
 - HDOT Airports (Oahu) 30
 - HDOT Kauai (6)
 - Crop Production Services hosted (7)
 - Landscape Industry Council of Hawaii (LICH) (40)
 - Landscape Maintenance Training Program [Big Island] (30)
 - Yoon's Farm – [Big Island] (1)
 - Big Island Country Club ((2)
 - Hawaii Ant Lab (57)
 - Hamakua Forest Farms[Big Island] (1)
 - Mateo Farms {Big Island] (1)
- WPS compliance review and violations
 - Nakamoto Farm [Big Island] (1)
- IPM/pesticide safety/soil principles
 - Foreign Trade Zone (1)
- Pollinator Protection during pesticide applications
 - Landscape Industry Council Hawaii tradeshow (31)
 - National Tropical Botanical Garden [Kauai] (25)

Enforcement Highlights:

Oahu:

Ten complaints were received, six were investigated and four complainants withdrew their complaints. Three of these complaints were urban structural in nature, two were agricultural use and one was import related.

- Landlord of an agricultural park filed a complaint that one of his tenants stored pesticides in the open and there were empty pesticide containers strewn about the base yard. An investigation was conducted and suspected violations include improper pesticide container storage and disposal and violations of the Worker Protection Standard of no WPS training provided to Ag workers and handlers.

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- Our office received an anonymous tip that the pesticidal device Hoy Hoy Trap-A Roach might be misbranded. With EPA credentials, an inspection was conducted at WISMETTAC, the importer of the device. All information gathered was sent to EPA Region 9 which denied entry of this device.
- EPA forwarded a tip that Green Home Solutions Hawaii was misusing EPA registered pesticides. No other details of the suspected misuse were provided. There were no suspected violations.
- The Washington State Department of Agriculture tested basil from Hawaii and detected Abamectin above the residue tolerance. An inspection was conducted at Harvest Farm, LLC. No Abamectin pesticides were seen on the farm. Basil was sampled and analysis is pending.

Maui/Molokai:

Eight pesticide use complaints were received during this time period.

- There were two AG use complaints made by a Kihei resident living next to a nursery. The complainant alleged that pesticides drifted onto his property. Samples were taken for one of the complaints. There are suspected violations of failure to comply with worker protection standard and drift, pending lab results.
- Another AG use complaint involved a sugar cane ripening application of glyphosate by a helicopter company. The complainant stated that he observed and felt the spray mist. The complainant did not call HDOA pesticides branch until about 30 hours after the incident. A sample was not taken since the complainant's vehicle was parked overnight in an area that experience rainfall.
- Two U/S complaints were filed by the same individual involved:
 - the applications of pesticides to control the Little Fire Ant. Samples were taken for one of these complaints. The lab results did not detect any residues of the pesticide used.
 - the Hawaii Department of Agriculture Pesticides Branch on the concern of using an alleged soil amendment as a pesticide without an experimental use permit.
- A complaint involved a glyphosate spray application along the Hana highway in the vicinity of Paia by the electric utility company. Prior to filing the complaint, the complainant said that she called the utility company to confirm that glyphosate was applied. The complainant initially communicated that the applicator needed to post to keep people out of area or use an organic herbicide such as Avenger. There are suspected violations of use inconsistent with label.

Kauai:

- Amy Miller, EPA Region 9 Deputy Director – Enforcement Division, and Scott McWhorter, FIFRA Section – Enforcement Division, were on Kauai during April 4 - 6 to follow-up with the early-entry incident that happened at Syngenta Hawaii, LLC on January 20, 2016.
- Training was conducted with Cal Westergard who travelled to Kauai, April 27-29. Several inspections took place including a couple of Tier I WPS inspections at Pioneer Research and Kauai Coffee Company, a RUP-Dealer inspection, PEI and an Ag-Use inspection. In June, training was provided to Westergard in Hilo with the monitoring a Terminix fumigation job.

- In April 2016, a worker from The Terminix International Company, LP filed a complaint alleging that all fumigations being done by Terminix Kauai did not have proper equipment for fumigation, scales were not used, SCBA's were not filled with air, clearing device was not used to clear structures, a certified applicator instructed workers to remove placards and secondary locks without using a clearing device before structures were reoccupied. This is an ongoing investigation and Terminix has retained lawyers and all requests for information has to go through their legal counsel.

Hawaii Island:

There were no Ag complaints. Five (5) urban structure complaints were investigated:

- An e-mail from the Auxiliary Services Branch Administrator for the Department of Education, was forwarded to inspectors alerting them of a school evacuation in progress at Waiakea Elementary School in Hilo Hawaii. The school principal reported that the Fire Department's Hawaii Hazardous Materials Team (HAZMAT) had responded and that no children were ill or needed medical treatment. The HAZMAT Team personnel could not locate the source of the odor although the principal believed the odor was malathion. A drive through of the neighborhood was made and some residents reported a "gas type of odor". The gas company did have reports of a gas odor in the area, but no leaks were discovered.
- A manager for a restaurant in Hilo filed a complaint on the use of Deadline Mini Pellets at the restaurant. The manager stated that one of his employees applied Deadline Mini Pellets (a.i. metaldehyde) to a vegetable garden behind the restaurant and that the vegetables are used at the restaurant. Label rate was exceeded for the Deadline Mini Pellets. The Department of Health Food and Drug Branch was informed of this misuse.
- A complainant reported a noxious odor in his home that affected him. Complainant believes the odor is malathion coming from the neighborhood. The source of this odor could not be located.
- A Hilo resident complain about a noxious odor at her residence and in her carport that made her feel nauseated. Complainant observed a next door neighbor spraying in his yard with a backpack sprayer and asked him what he was spraying. He replied "malatin". Complainant asked him to stop spraying due to the odor but he continued to spray. The applicator used Ortho Max Malathion to treat for white fly on his poha berry and peppers. Poha berries are not listed on the label. Personal protective equipment was lacking.
- An anonymous complaint was received regarding the use of bleach. The caller stated that pallet of bleach was being used on a house in Waipio Valley. The caller stated that he is worried the bleach will enter a nearby stream. The manager for Bamboo Builders stated that the bleach was being used to "clean" bamboo poles prior to finishing it. The bleach being used did not have an EPA Reg. No.